

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA**

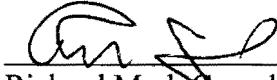
Francis James Gannon, )  
                        )  
Plaintiff,             )                      Civil Action No. 9:15-3250-RMG  
                        )  
vs.                    )  
                        )  
Carolyn W. Colvin, Acting Commissioner )                      **ORDER**  
of Social Security, )  
                        )  
Defendant.            )  
                        )  
\_\_\_\_\_  
)

This matter comes before the Court for judicial review of the final decision of the Commissioner of Social Security denying Plaintiff's application for disability insurance benefits ("DIB"). The Magistrate Judge issued a Report and Recommendation ("R & R") on August 22, 2016, recommending that the decision of the Commissioner be reversed and remanded to the agency because of the failure to consider and weigh Plaintiff's VA disability rating determination in accord with the standards set forth in *Bird v. Commissioner of Social Security*, 699 F.3d 337, 343-44 (4th Cir. 2012) (holding that the Social Security Administration must give "substantial weight to a VA disability rating"). (Dkt. No. 14). The Commissioner has advised the Court that she will not file any objection to the R & R of the Magistrate Judge. (Dkt. No. 16).

The Court has reviewed the Report and Recommendation and the record evidence and finds that the Magistrate Judge has ably addressed the factual and legal issues in this matter. Therefore, the Court **ADOPTS** the Report and Recommendation (Dkt. No. 14) as the order of this Court, **REVERSES** the decision of the Commissioner pursuant to Sentence Four of 42

U.S.C. § 405(g), and **REMANDS** the matter to the Commissioner for further proceedings consistent with this order.

AND IT IS SO ORDERED.



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Richard Mark Gergel  
United States District Judge

Charleston, South Carolina  
September 21, 2016